

OUTTEN & GOLDEN LLP

Adam T. Klein (AK 3293)
Justin M. Swartz (JS 7989)
Lauren E. Schwartzreich (LS 8260)
Lewis Steel (LS 4463)
Melissa E. Pierre-Louis (MP 4946)
Juno E. Turner (JT 1978)
3 Park Avenue, 29th Floor
New York, New York 10016
Telephone: (212) 245-1000

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**JESKA SAND, CHRISTOPHER SCHIFFER,
PATRIZZA JIMENEZ, CAROLINA KORTH, and
JESSICA LLONCH, on behalf of themselves and all
others similarly situated, and SARAH SANDERS,
individually,**

PLAINTIFFS,

-against-

**STEVEN GREENBERG and 230FA LLC d/b/a/ 230
FIFTH AVENUE and 230 FIFTH AVENUE
ROOFTOP GARDEN,**

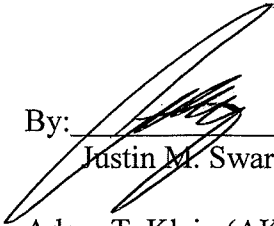
DEFENDANTS.

08 Civ. 7840 (PAC)

**NOTICE OF
ACCEPTANCE OF
DEFENDANTS' OFFER
OF JUDGMENT
PURSUANT TO RULE 68**

PLEASE TAKE NOTICE that, pursuant to Rule 68 of the Federal Rules of Civil Procedure, Plaintiffs accept Defendants' Offer of Judgment Pursuant to Rule 68. Defendants' Offer of Judgment Pursuant to Rule 68 is attached hereto as Exhibit A.

Dated: New York, New York
November 16, 2009

By: 
Justin M. Swartz

Adam T. Klein (AK 3293)
Justin M. Swartz (JS 7989)
Lauren E. Schwartzreich (LS 8260)

Lewis Steel (LS 4463)
Melissa E. Pierre-Louis (MP 4946)
Juno E. Turner (JT 1978)
OUTTEN & GOLDEN LLP
3 Park Avenue, 29th Floor
New York, NY 10016
Telephone: (212) 245-1000
Facsimile: (212) 977-4005

D. Maimon Kirschenbaum (DK 2448)
JOSEPH & HERZFELD LLP
757 Third Avenue, 25th Floor
Telephone: (212) 688-5640
Facsimile: (212) 688-2548

Attorneys for Plaintiffs

TO: Carolyn Richmond (CR 0993)
Eli Z. Freedberg (EF 6854)
FOX ROTHSCHILD LLP
100 Park Avenue, Suite 1500
New York, NY 10017
Telephone: (212) 878-7983
Facsimile: (212) 692-0940

Jay S. Berke, Esq.
Erik K. Ludwig, Esq.
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
4 Times Square
New York, NY 10036
Telephone: (212) 735-3000
Facsimile: (917) 777-2612

Attorneys for Defendants

Exhibit A

Carolyn D. Richmond, Esq.
Eli Z. Freedberg, Esq.
FOX ROTHSCCHILD LLP
100 Park Avenue, 15th Floor
New York, NY 10017

Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESKA SAND, CHRISTOPHER SCHIFFER,
PATRIZZA JIMENEZ, CAROLINA KORTH,
and JESSICA LLONCH, on behalf of themselves
and all others similarly situated, and
SARAH SANDERS, individually,

Plaintiffs,

-against-

STEVEN GREENBERG and 230FA LLC d/b/a/
230 FIFTH AVENUE and 230 FIFTH AVENUE
ROOFTOP GARDEN,

Defendants.

08 Civ. 7840 (PAC)

**DEFENDANTS' OFFER
OF JUDGMENT
PURSUANT TO RULE 68**

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants Steven Greenberg and 230FA LLC d/b/a 230 Fifth Avenue and 230 Fifth Avenue Rooftop Garden (hereinafter referred to as "Defendants") offer to allow judgment to be taken against it with respect to the action filed by Jeska Sand, Christopher Schiffer, Patrizza Jimenez, Carolina Korth, and Jessica Llonch, on behalf of themselves and all others similarly situated, and Sarah Sanders, individually (hereinafter referred to as "Plaintiffs") in the amount of \$525,000, on a class-wide basis, inclusive of all damages, liquidated damages and/or interest plus reasonable attorneys' fees, costs and expenses actually incurred, to which Plaintiffs may be entitled to by law, to be determined by the Court.

The offer will be deemed withdrawn unless Plaintiffs serve a written notice of acceptance of the offer within 10 days of the date that it was served on Plaintiffs. This

offer is made for the purposes of Rule 68 only, and neither it nor any judgment resulting from this offer may be construed as an admission of (a) liability on the part of Defendants; or (b) that Plaintiffs (or any putative class or collective action member) have suffered any damage.

If this offer is rejected by Plaintiffs, and the final judgment that Plaintiffs ultimately obtain, if any, is not more favorable than this offer, then Plaintiffs shall be liable for all costs incurred by Defendants after the date of service of this offer.

DATED: New York, New York
November 12, 2009

FOX ROTHSCHILD LLP

By: 

Carolyn D. Richmond, Esq.

Eli Z. Freedberg, Esq.

FOX ROTHSCHILD LLP

100 Park Avenue, 15th Floor

New York, NY 10017

Tel.: 212-878-7900

Attorneys for Defendants